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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,745	01/17/2000	Loredana Abramo	Abramo-1	8778

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EXAMINER

HUYNH, CONG LAC T

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/483,745	ABRAMO, LOREDANA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 January 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 1/6/04 to the application filed on 1/17/00.
2. Claims 9-12 are added.
3. Claims 1-12 are pending in the case. Claims 1 and 7 are independent claims.
4. The rejections of claims 1-3, 7-8 under 35 U.S.C. 103 (a) as being unpatentable over Beierle in view of Probert have been withdrawn in view of the amendment.
5. The rejections of claims 4-6 under 35 U.S.C. 103 (a) as being unpatentable over Beierle in view of Probert and further in view of Brown have been withdrawn in view of the amendment.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Brown et al. (US Pat No. 5,384,822, 1/24/95, filed 6/30/92) view of Probert, Jr. et al. (US Pat No. 6,549,918 B1, 4/15/03, filed 9/21/98).

Regarding independent claim 1, Brown discloses:

Art Unit: 2178

- receiving raw switch data output from a digital switch, the data received from a digital switch is used for testing of the digital switch (col 1, lines 50-54, figure 1, col 2, line 63 to col 3, line 13: testing the switch after installation, the test scripts stored in the computer is the output from a digital switch; col 3, lines 1-30 and col 5, lines 25-50: "the selection and control of test scripts executed by computer may be controlled by a person located at personal computer ... a plurality of test scripts can be scheduled to run sequentially..", ".. the test script may be entered line-by-line by the user or may consist of a stored sequence of steps utilized to test predetermined switch functions ...")

Brown does not explicitly disclose that the raw switch data is used for maintenance of the digital switch. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Brown to include the maintenance feature to the raw switch data for the following reason. The fact that the test scripts to test the digital switch are scheduled to run sequentially and are utilized to test predetermined switch functions suggests that the switch data is used for maintenance purpose due to regularly testing of digital switch as scheduled.

Brown does not explicitly disclose:

- converting said raw data into a format compatible with a predefined spreadsheet program
- outputting converted data to and storing said converted data in at least one predefined workbook of said spreadsheet program

Probert discloses:

Art Unit: 2178

- converting said raw data into a format compatible with a predefined spreadsheet program (figure 2 and col 8, lines 17-59: the network system includes the dynamic conversion filter driver to *convert data from one format to another*, including providing data *in spreadsheet format* where the data to be converted is from the server)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Probert into Brown since Probert has the advantage of converting data in one format to the spreadsheet format applied in the network system, providing a suggestion that such a conversion be applied to the network data of Brown for converting the data received from the digital switch.

In addition, Brown and Probert do not disclose outputting converted data to and storing said converted data in at least one predefined workbook of said spreadsheet program. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Beierle and Probert to include said outputting and storing features since it was well known in the art that once the data is converted into a format such as spreadsheet, the data is displayed at the client, which is a form of outputting data, and the data is stored in the memory for later use.

Regarding claim 2, which is dependent on claim 1, Brown discloses:

- prior to said receiving, converting and outputting steps, installing said digital switch (col 1, lines 50-54: testing the digital switch after installation where testing includes receiving data of the switch test)

Brown does not explicitly disclose:

- performing said receiving, converting and outputting steps as part of a New Product Introduction test

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Brown to include performing said receiving, converting and outputting steps as part of a New Production Introduction test since receiving data and converting said data are for a digital switch testing where the switch testing is performed prior any testing of the system.

Regarding claim 3, which is dependent on claim 1, Brown discloses:

- prior to said receiving, converting and outputting steps, installing said digital switch (as mentioned in claim 2)

Brown does not explicitly disclose:

- performing said receiving, converting and outputting steps as part of a Customer Acceptance test

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Brown to include performing said receiving, converting and outputting steps as part of a Customer Acceptance test since the fact that the switch is installed at a *customer* location (col 1, lines 44-47) suggests that receiving, converting and outputting steps be as a part of the feedback from customers.

Regarding claim 4, which is dependent on claim 1, Brown and Probert do not disclose:

Art Unit: 2178

- using the output of said converter as a layout, preparing scripts containing  
Database Modification Commands
- transferring said scripts to said digital switch
- via said digital switch, executing said scripts to modify a switch database  
*associated the raw switch data*

Instead, Brown discloses:

- a network with the digital switch (figure 1)
- a plurality of testing of communication switch where the switch is installed (col 1, lines 1-54)
- a plurality of test program or scripts are preferably stored in the computer to facilitate testing of the digital switch via the controllable telephone devices (col 3, lines 3-30)
- a test script consists of a sequential set of commands including command messages and status inquiry messages (col 5, lines 25-50)
- executing the script commands and *processing additional commands which may be contained within the script associated with the raw switch data (col 5, line 52 to col 6, line 40)*
- storing the test data in the server (col 6, lines 20-40: "the stored test data is later analyzed ...")

It would have been obvious to an ordinary skill in the art at the time of the invention was made to have combined Brown into Probert since Brown provides testing of the installed digital switch, scripts for testing of the digital switch, executing the script commands and

processing *additional commands which may be contained in the script*, and storing the test data. Brown, therefore, suggests preparing scripts containing Database Modification Commands since *the additional commands in the script are added commands* to the script when needed. Further, the testing of communication switch and the scripts of testing of the digital switch inherently show that the scripts *should be transferred to the digital switch for executing*. Depending on the command, if the script includes the command for modifying the switch database, then the result of the execution would be modifying the switch database.

Claims 5-6 include the same limitations as in claim 4, and are rejected under the same rationale.

Independent claim 7 is for a system of claim 12, and is rejected under the same rationale.

Regarding claim 8, which is dependent on claim 7, Brown and Probert do not explicitly disclose the operation of said data receiver, data converter and data output device are adapted to be triggered via a user's "Make Workbook" command. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Probert to include the user's Make Workbook command since it was well known that spreadsheet has the command such as AutoFormat for formatting a workbook, which is a form of the Make Workbook command.

Regarding claim 9, which is dependent on claim 1, Brown discloses that the switch data includes *testing data*, which is one of hardware change data, software change data, switching activity data, *testing data*, troubleshooting data, and new product installation data (col 3, lines 3-30).

Regarding claim 10, which is dependent on claim 1, Brown further discloses that the switch data includes verify data (col 6, lines 27-31: "the stored test data is later *analyzed* by the test user..."; analyzing the stored test data suggests that the data is verified during the analyzing process).

Brown does not disclose that the switch data includes recent change. However, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Brown to include the recent change in the switch data since the fact that Brown discloses the additional commands in the test script (col 6, lines 27-40) suggests that these commands be added to the script indicating recent change to the switch data.

Claims 11-12, which are dependent on claim 7, include the same limitations as in claims 9-10, and are rejected under the same rationale.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that Beierle does not disclose that the raw switch data received is used for testing and maintenance of the digital switch as amended in claim 1 (Remarks, page 5).

Examiner agrees. Beierle has been withdrawn from the rejections. Brown discloses and suggests that the raw switch data received is used for testing and maintenance of the digital switch (see the claim rejections).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ward (US Pat No. 5,166,925, 11/24/92).

Uchiba et al. (US Pat No. 5,596,623, 1/21/97).

Zey (US Pat No. 5,796,953, 8/18/98).

Joline et al. (US Pat No. 6,005,696, 12/21/99, filed 3/11/97).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh  
3/15/04

  
STEPHEN S. HONG  
PRIMARY EXAMINER